REMARKS/ARGUMENTS

The Office Action of October 6, 2005, has been carefully considered, and the pending claims have been amended to overcome the rejections entered therein, prior rejections having been addressed in prior amendments.

In the October 6 Office Action, claims 1, 2 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Edwards D177,967 and similar "Bedazzle" jewelry in view of a disclosure of a ancient oval ring. The reference to Edwards and the "Bedazzle" jewelry show a Mobius strip worked as a ring wherein the band is a flat rectangle in cross section that is rotated 180° through one complete circumference of the ring. The reference to ancient jewelry shows a ring having an oval hoop with a triangular cross section. Claims 2 and 5 were also rejected under 35 U.S.C. § 112.

A proper rejection under 35 U.S.C. § 103(a) requires that the Examiner establish *prima facie* obviousness. As provided in the MPEP, "[t]he examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." MPEP § 2142. Three criteria must be met to establish *prima facie* obviousness. MPEP § 2143. First, there must be some suggestion or motivation to modify a reference or combine teachings. *Id.*. Second, there must be a reasonable expectation of success. *Id.* Third, the prior art reference or references must teach or suggest all the claim limitations. *Id.*

Applicant submits that the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, as previously or currently amended. Nothing in the references cited by the Office Action suggests the rotational positions of the triangular cross

sections of the applicant's invention. An ancient ring with a hoop of triangular cross section, and a Mobius strip of rectangular cross section rotated through 180° do not suggest, either alone or in combination, the claimed invention in which the triangular cross section of the ring is rotated through 120°, or multiples of 120°, but not 360° or multiples of 360°, in one complete circumferential axis of the ring. This complex rotational scheme is certainly not suggested by (1) a hoop in which there is no rotation of the cross section, or (2) the rectangular cross section of a Mobius strip as in Edwards, since the rotation there cannot result in a ring in which the three vertexes of a triangular cross section form a single endless ridge. Moreover, rotation of a triangular cross section through 180°, as in a Mobius strip, will not result in the claimed invention. In short, the rotation of the cross section of a Mobius strip does not suggest the rotation of a cross section, let alone a triangular cross section, through 120°, just as a ring having a triangular cross section with no rotation throughout one complete circumference does not suggest the specific rotational requirements called for by the amended claims to achieve an endless surface and an endless ridge. Importantly, none of the prior art teaches or suggests the aspect of a 120° rotation in a single circumferential axis and/or the combining of changed triangular cross sections throughout the circumference.

The rejection under 35 U.S.C. § 112 has been addressed and overcome by clarifying claims 2 and 5 to indicate that the cross sectional shape is rotated, rather than the ring itself.

This Amendment is believed to be fully responsive to the Office Action mailed October 6, 2005. In view of the amendments and remarks, applicant respectfully requests reconsideration of this application, and early allowance of the claims.

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Respectfully submitted,

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